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EXAMINER

CAMPOS, YAIMA

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,183

Applicant(s)

SHACHOR, GAL

Examiner

Yaima Campos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The instant application having Application No. 10/697,183 has a total of 27 claims pending in the application; there are 9 independent claims and 18 dependent claims, all of which are ready for examination by the examiner.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

The oath or declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

II. INFORMATION CONCERNING DRAWINGS

Drawings

The applicant's drawings submitted are acceptable for examination purposes.

III. OBJECTIONS TO THE SPECIFICATION

Specification Objections

2. The disclosure is objected to because of the following informalities:

The word "an" (page 1, line 7) appears to be a typographical error. It is believed this word should be "a" and has been treated as such for the rest of this Office action.

Applicant's cooperation is requested in correcting any other minor errors of which applicant may become aware in the specification.

Appropriate correction is required.

IV. REJECTIONS NOT BASED ON PRIOR ART

a. DEFICIENCIES IN THE CLAIMED SUBJECT MATTER

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims **9-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim **9** recites the limitation "the method of claim 7, wherein said historical data" in line 1. There is insufficient antecedent basis for this limitation in the claim. As best understood by the examiner, claim 9 should depend on claim 8 instead of claim 7, and has been treated as such for the rest of this office action. The applicant might consider amending this claim to read -- **The method of claim 8, wherein said historical data** --.

6. Claim **10** recites the limitation "the method of claim 8, wherein said object" in line 1. There is insufficient antecedent basis for this limitation in the claim. As best understood by the examiner, claim 10 should depend on claim 9 instead of claim 8, and has been treated as such for the rest of this office action. The applicant might consider amending this claim to read -- **The method of claim 9, wherein said object** --.

V. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims **1-7 and 11-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Cooke, Jr. et al. (US 6,574,629).

9. As per **claims 1 and 24-25**, Cooke discloses “a method of managing a storage,” as it is taught that [**“The invention described herein can be used to manage folder of studies;” wherein “archive station 4 comprises a workstation 40 having a memory device 41” and that memory device comprises “long-term DICOM storage for studies provided from imaging modalities” (Figure 1 and Column 8, lines 39-47)**], “a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of managing a storage,” and “a computer program product comprising a computer useable medium having computer readable program code embodied therein of managing a storage” [**With respect to these limitations, Cooke discloses that “workstation 10 includes memory 21, which comprises a computer readable medium such as one or more computer hard disks” and that “PACS software modules comprise computer-executable code that defines process steps for effecting the various PACS functions of each component/extension” (Figures 1,3 and Column 7, lines 42-45 and 54-58) “wherein the storage includes a faster access part and a slower access part” [With respect to this limitation, Cooke discloses that “workstation 10 includes memory 21, which comprises a computer-readable medium such as one or more computer hard disks”**

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as disclosing a slower storage part in memory, and also explains that “a portion of memory 21 may comprise a cache 23 for the workstation” as disclosing a faster storage part in memory (Figure 3 and Column 7, lines 42-46). Cooke also teaches having “an archive station which has access to a long-term memory for storing image data, and a reviewing station which has a display for displaying images based on received image data” (Column 2, lines 21-25)] “comprising: examining a worklist which schedules at least one modality to perform at least one task;” [With respect to this limitation, Cooke discloses that “the worklist comprises the study, or group of studies, that the user selects from the main study list” (Column 11, lines 53-54), that “the present invention includes the ability to route relevant prior studies to a reviewing station in contemplation of a scheduled event such as patient examination or the like” (Column 18, lines 55-57) and that a “worklist select button selects studies that match default worklist criteria” from a “main study list” (Column 24, lines 42-48)] “and ensuring that in the faster access part there is available at least some data which based on at least one predetermined rule is deemed likely to be accessed in connection to said at least one task to be performed by said at least one modality scheduled by said worklist” [With respect to this limitation, Cooke discloses that “predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archives) on the PACS” and that “once this is done, the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the appropriate stations automatically” (Column 19, lines 4-15) as ensuring fast memory contains data likely to be accessed in the near future. Cooke also teaches

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that “the network gateway can request information concerning the nature of the scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled even, among other things” (Columns 18-19, lines 65-67 and 1-2)].

10. As per **claim 2**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein examining includes examining a task description of at least one task, said task description included in said worklist” [With respect to this limitation, Cooke discloses that “worklist select button 184 selects studies that match default worklist criteria” (Figure 12 and Column 42-43). Cooke further teaches, “study list contains folders with studies, images and image-related information. Each line in the study list contains information about one study or patient” (Column 26, lines 63-65), that “worklist comprises the study, or group of studies, that the user selects from the main study list” (Column 11, lines 53-54) and that a “worklist section of toolbar” includes “patient and study identifiers” (Column 28, line 65)].

11. As per **claim 3**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein examining includes examining information about said at least one modality, said information about said at least one modality included in said worklist” [With respect to this limitation, Cooke discloses that users may “select to list studies in the main study list based on the imaging modality used to generate images in the studies” (Column 25, lines 45-50)].

12. As per **claim 4**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein at least one of predetermined rules is tailored to at least one specific information consumer” [With respect to this limitation, Cooke discloses that “pre-

fetching rules may be set/modified by the user via relevant prior rules link 112” and that “initially, the pre-fetching rules are used to determine which prior studies on the PACS should be retrieved” (Figure 5 and Column 19, lines 6-11) as portraying “the user” as an information consumer].

13. As per **claim 5**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein said ensuring includes: transferring data from the slower access part of the storage to the faster access part of the storage” [Cooke discloses this limitation as it is explained that “predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archives) on the PACS” and that “once this is done, the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the appropriate stations automatically” (Column 19, lines 4-15) as ensuring fast memory contains data likely to be accessed in the near future. Cooke also teaches that “the network gateway can request information concerning the nature of the scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled even, among other things” (Columns 18-19, lines 65-67 and 1-2)].

14. As per **claim 6**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein said ensuring includes: copying data from the slower access part of the storage to the faster access part of the storage” [With respect to this limitation, Cooke discloses that “the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the appropriate stations

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automatically” (Column 19, lines 4-15) from archive memory; as copying data from a slower memory to a faster memory].

15. As per **claim 7**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein said ensuring includes ensuring that reference data which is deemed likely to be accessed is available in the faster access part of the storage” [With respect to this limitation, Cooke discloses that “predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archives) on the PACS” and that “once this is done, the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the appropriate stations automatically” (Column 19, lines 4-15) as ensuring fast memory contains data likely to be accessed in the near future. Cooke also teaches that “the network gateway can request information concerning the nature of the scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled even, among other things” (Columns 18-19, lines 65-67 and 1-2)].

16. As per **claim 11**, Cooke discloses “the method of claim 1,” [See rejection to claim 1 above] “wherein worklist is a Digital Image Communications in Medicine (DICOM) modality worklist and said modality is an image acquisition machine” [Cooke discloses this limitation as the “invention described herein is preferably implemented via a DICOM 3.0 compliant, high-speed, networked computer system designed for digital storage, routing, retrieval, transmission, display and printing of medical images” (Columns 5-6, lines 66-67 and 1-4). Cooke also teaches that “the network gateway is the work-flow manager” and that “the network gateway

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comprises a workstation that supports at least six, preferably more, simultaneous associations with DICOM-compliant imaging modalities. This modalities include, but are not limited to, X-ray, CT, MRI, NM an US modalities” (Columns 9-10, lines 66-67 and 3-8)].

17. As per claims 12 and 26-27, Cooke discloses “a method of managing a medical storage,” [“**The invention described herein can be used to manage folder of studies;” wherein “archive station 4 comprises a workstation 40 having a memory device 41” and memory device comprises “long-term DICOM storage for studies provided from imaging modalities” (Figure 1 and Column 8, lines 39-47)] “a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of managing a medical storage,” and “a computer program product comprising a computer useable medium having computer readable program code embodied therein of managing a medical storage” [Cooke discloses these limitations as “workstation 10 includes memory 21, which comprises a computer readable medium such as one or more computer hard disks” and that “PACS software modules comprise computer-executable code that defines process steps for effecting the various PACS functions of each component/extension” (Figures 1,3 and Column 7, lines 42-45 and 54-58)] “wherein the storage includes a faster access part and a slower access part” [With respect to this limitation, Cooke discloses that “workstation 10 includes memory 21, which comprises a computer-readable medium such as one or more computer hard disks” as disclosing a slower storage part in memory, and also explains that “a portion of memory 21 may comprise a cache 23 for the workstation” as disclosing a faster storage part in memory (Figure**

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3 and Column 7, lines 42-46). Cooke also teaches having “an archive station which has access to a long-term memory for storing image data, and a reviewing station which has a display for displaying images based on received image data” (Column 2, lines 21-25)] “comprising: querying a Digital Image Communications in Medicine (DICOM) modality worklist service and receiving data related to at least one task which said DICOM modality worklist has scheduled at least one image acquisition machine to perform;” [Cooke discloses this limitation as “query button 175 enables a user to query for patient images, studies and/or folders on the PACS” (Figures 12, 16 and Column 24, lines 14-15), “thereafter, images, studies, and/or folders which match the search criteria are retrieved and displayed in the study list” (Column 24, lines 31-33) and also teaches that “modality sorting button 194 is configured to select and list studies from CT imaging modalities” (Figure 12 and Column 26, lines 36-37)] “and ensuring that in the faster access part there is available at least some data which based on at least one predetermined rule is deemed likely to be accessed in connection to said at least one task which said DICOM modality worklist has scheduled said at least one image acquisition machine to perform” [Cooke discloses this limitation as “predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archives) on the PACS” and that “once this is done, the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the appropriate stations automatically” (Column 19, lines 4-15) as ensuring fast memory contains data likely to be accessed in the near future. Cooke also teaches that “the network gateway can request information concerning the nature of the

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scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled even, among other things” (Columns 18-19, lines 65-67 and 1-2)].

18. As per **claims 13 and 19**, Cooke discloses “a system for storage management,” as it is taught that [**“The invention described herein can be used to manage folder of studies;” wherein “archive station 4 comprises a workstation 40 having a memory device 41” and that memory device comprises “long-term DICOM storage for studies provided from imaging modalities” (Figure 1 and Column 8, lines 39-47)] “comprising: at least one modality configured to perform at least one task in accordance with a scheduling by at least one worklist;” [With respect to this limitation, Cooke discloses that **“the network gateway is the work-flow manager”** and that it **“receives images (as image data) from various non-core components including imaging modalities, confirms the validity of the received images, and routes them appropriately”** (Columns 9-10, lines 66-67 and 1-3). Cooke also discloses a memory device comprising **“long-term DICOM storage for studies provided from imaging modalities” (Figure 1 and Column 8, lines 39-47)]** “a storage configured to store data, including a faster access part and a slower access part;” [With respect to this limitation, Cooke discloses that **“workstation 10 includes memory 21, which comprises a computer-readable medium such as one or more computer hard disks”** as disclosing a slower storage part in memory, and also explains that **“a portion of memory 21 may comprise a cache 23 for the workstation”** as disclosing a faster storage part in memory (Figure 3 and Column 7, lines 42-46). Cooke also teaches having **“an archive station which has access to a long-term memory for storing image data, and****

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a reviewing station which has a display for displaying images based on received image data” (Column 2, lines 21-25)] “and a prefetcher configured to examine said at least one worklist and configured to ensure that at least some data deemed likely to be accessed in connection to said at least one task is present in said faster access part of said storage” [Cooke discloses this limitation as “predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archives) on the PACS” and that “once this is done, the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the appropriate stations automatically” (Column 19, lines 4-15) as ensuring fast memory contains data likely to be accessed in the near future. Cooke also teaches that “the network gateway can request information concerning the nature of the scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled even, among other things” (Columns 18-19, lines 65-67 and 1-2)].

19. As per claim 14, Cooke discloses “the system of claim 13,” [See rejection to claim 13 above] “further comprising: at least one worklist generator configured to generate said at least one worklist” as it is taught that [“the reviewing stations also perform automatic worklist generation and updates as relevant studies arrive. Regarding worklist generation, a user may enter a query asking the PACS to locate a study or group of studies based on input criteria” (Column 11, lines 41-46)].

20. As per claim 15, Cooke discloses “the system of claim 13,” [See rejection to claim 13 above] “further comprising: at least one information consumer configured to

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access data stored in said storage” as [**“all query, transmit, retrieve, store and print actions initiated by a client” go through the database server (Column 11, lines 6-8) and also discloses that “reviewing stations are workstations that may be used to retrieve and to view medical images handled by the PACS, as well as information relating thereto” (Column 11, lines 28-30)].**

21. As per **claims 16 and 17**, Cooke discloses “the system of claim 13,” [See rejection to claim 13 above] “further comprising: a communication protocol configured to allow communication among said at least one modality and said storage” wherein “said communication protocol is in accordance with the Digital Image Communications in Medicine (DICOM) standard” as [**With respect to this limitation, Cooke discloses that “memory device 41” comprises “central and secure near and long-term DICOM storage for studies provided from imaging modalities” (Column 8, lines 38-41) and that “the scanned images are transmitted to the PACS using DICOM 3.0 protocol” (Column 15, lines 15-16)].**

22. As per **claim 18**, Cooke discloses “the system of claim 13,” [See rejection to claim 13 above] “wherein said prefetcher is also configured to transfer or copy from said slower access part of said storage to said faster access part of said storage at least some data which is available only in said slower access part and which is deemed likely to be accessed in connection to said at least one task” [**Cooke discloses this limitation as “predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archives) on the PACS” and that “once this is done, the prior studies are copied into the archive station’s cache (or alternatively, the network gateway’s cache) and routed to the**

appropriate stations automatically” (Column 19, lines 4-15) as ensuring fast memory contains data likely to be accessed in the near future].

23. As per **claim 20**, Cooke discloses “the system of claim 19” [See rejection to **claim 19 above**] “further comprising a hospital information system or radiology information system configured to generate said at least one DICOM modality worklist” as [“**network gateway 6 is in communication with reviewing stations 7 and imaging modalities 42 via the DICOM network, and is in communication with remote sources, such as the hospital’s RIS (*radiology information system*) 44**” (Figure 1 and Column 10, lines 12-16) and also explains that “**extensions exist which provide connectivity to a hospital’s information system (HIS)**” (Column 12, lines 52-53)].

24. As per **claim 21**, Cooke discloses “a system for prefetching,” as it is taught that [“**the present invention includes the ability to route relevant prior studies to a reviewing station in contemplation of a scheduled event, such as a patient examination or the like**” and that “**this process is called pre-fetching**” (Column 18, lines 55-58)] “comprising: a worklist examiner configured to examine a worklist and determine at least one type of data likely to be accessed, said at least one type of data being related to a task to be performed by a modality scheduled by said worklist;” [With respect to this limitation, Cooke discloses that “**pre-fetching involves RIS gateway 46 receiving information concerning a scheduled event from RIS 44, and then transmitting that information to the PACS, in particular to network gateway 6. The network gateway then queries the RIS, via the RIS gateway, requesting details concerning the scheduled event**” (Figure 1 and Column 18, lines 59-65) as pre-fetching data likely to be needed in the near future. Cooke further discloses that

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“display button 125 enables a user to display one or more selected studies in the main study list” (Column 20, lines 63-65) and that “the reviewing stations also perform automatic worklist generation and updates as relevant studies arrive” wherein “a user may enter a query asking the PACS to locate a study or group of studies based on input criteria” (Column 11, lines 41-54)] “a cross referencer configured to compare said at least one type of data with data stored for an entity identified for said task;” [An equivalent limitation is taught by Cooke as “once the network gateway receives the requested information from the RIS, predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from memory (e.g., the archive)” (Column 19, lines 3-6) as only those studies pertaining to pre-fetching rules will be retrieved and displayed to a user] “and a retriever configured to transfer or copy data stored for said identified entity which is of at least one of said types and is available only in a slower access part of a storage to a faster access part of said storage” [This limitation is taught by Cooke as it is taught that “network gateway” copies prior studies “into the archive station’s cache (or alternatively, the network gateway’s cache)” and these prior studies are then “routed to the appropriate stations automatically” (Column 19, lines 9-15)].

25. As per claims 22 and 23, Cooke discloses “the system of claim 21,” [See rejection to claim 21 above] “further comprising: a rules storage configured to store at least one rule which allow said worklist examiner to determine said at least one type of data likely to be accessed” as [“pre-fetching rules stored in memory on the network gateway” (Column 19, lines 4-5) and further explains that “the pre-fetching rules

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may be set and/or modified by the user” (Column 19, lines 23-24) wherein these rules allow “the user to selectively configure pre-fetching of images relating to particular specialties” (Column 19, Table 4; this table also shows all the aspects that may be used to modify pre-fetching rules)] “further comprising: an internal database configured to save data from said worklist about said at least one task” as [“edited images and the like are stored to database files on the archive station. These database files are preferably stored in a hard disk or the like on workstation 40, and comprise a collection of all information relating to studies and parameters” wherein “information stored in the database is demographic information associated with each patient and study” (Columns 8-9, lines 66-67 and 1-4)].

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. **Claims 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cooke, Jr. et al. (US 6,574,629) in view of Sechrest et al. (US 6,910,106).

28. As per **claim 8**, Cooke discloses “the method of claim 1” [See rejection to claim 1 above] but fails to disclose expressly that “ensuring includes ensuring that historical data is deemed likely to be accessed.”

Sechrest discloses a memory management system wherein “ensuring includes ensuring that historical data is deemed likely to be accessed.” Sechrest discloses this limitation as it is taught that [“**the present invention is directed towards an improved**

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memory management architecture comprising systems, methods and mechanisms that provide a proactive, resilient and self-tuning memory management system” (Column 2, lines 39-42) by “loading and maintaining in memory data that is likely to be needed, before the data is actually needed” (Column 2, lines 45-46) and further explains that “the present invention comprise various mechanisms directed towards historical memory usage monitoring, memory usage analysis, refreshing memory with highly-valued pages, I/O prefetching efficiency, and aggressive disk management” (Column 2, lines 60-65)].

Cooke, Jr. et al. (US 6,574,629) and Sechrest et al. (US 6,910,106) are analogous art because they are from the same field of endeavor of computer memory management.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to make the memory management system as disclosed by Cooke, further take usage history into consideration when deciding what data is likely to be accessed in the near future, as disclosed by Sechrest.

The motivation for doing so would have been because Sechrest teaches that [**“by having the memory filled with appropriate data before those pages are needed, the memory management system substantially reduces or eliminates on-demand disk transfer operations, and thus reduces or eliminates I/O bottlenecks in many significant consumer scenarios” (Column 2, lines 56-60), that “a page’s utility can be determined by its I/O transfer expense, along with the historical tracing of its usage” (Column 10, lines 31-33) and also specifies that “the present invention provides advantages via value-based selective or whole memory loading, where value is**

determined at least in part on pre-observation, whether by tracking its usage history, and/or by training simulation” (Column 16, lines 34-36)].

Therefore, it would have been obvious to combine Sechrest et al. (US 6,910,106) with Cooke, Jr. et al. (US 6,574,629) for the benefit of creating a memory management system to obtain the invention as specified in claim 8.

29. As per **claims 9 and 10**, the combination of Cooke and Sechrest discloses a method as specified in claims 1, 7, and 8 [See rejection to claims 1, 7, and 8 above]. Cooke further discloses having “data about a specific object on which said task is to be performed” wherein “said object is a body part of a patient” as it is explained that [**“the present invention includes the ability to route relevant prior studies to a reviewing station in contemplation of a scheduled event, such as a patient examination or the like” (Column 18, lines 55-57) and it is further disclosed that “the network gateway can request information concerning the nature of the scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled event, among other things” (Columns 18-19, lines 65-67 and 1-2)].**

VI. RELEVANT ART CITED BY THE EXAMINER

30. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant’s art and those arts considered reasonably pertinent to applicant’s disclosure. See **MPEP 707.05(c)**.

31. The following references teach computer memory management in a medical storage.

Art Unit: 2185

U.S. PATENT NUMBER

US 2004/0243579

US 2002/0152231

US 2002/0023067

US 2002/0016718

US 2001/0011336

US 6,349,373

US 6,954,767

US 6,260,021

32. The following references teach memory management techniques using prediction/scheduling of tasks.

U.S. PATENT NUMBER

US 6,671,424

US 6,640,244

US 6,247,094

VII. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

33. The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

a(1) CLAIMS REJECTED IN THE APPLICATION

34. Per the instant office action, claims 1-27 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES


35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaima Campos whose telephone number is (571) 272-1232 and email address is Yaima.Campos@uspto.gov. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

IMPORTANT NOTE

36. If attempts to reach the above noted Examiner by telephone or email are unsuccessful, the Examiner's supervisor, Mr. Donald Sparks, can be reached at the following telephone number: Area Code (571) 272-4201.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 8, 2005


DONALD SPARKS
SUPERVISORY PATENT EXAMINER

Yaima Campos
Examiner
Art Unit 2185